

REMARKS/ARGUMENTS

The Office Action mailed July 3, 2003 has been reviewed and carefully considered. Claims 1-10 have been amended. Claims 1-10 are pending in this application, with claims 1, 5, and 9 being the only independent claims. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

In the Office Action mailed July 3, 2003, claims 1-10 stand rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 6,097,700 (Thornberg).

Before discussing the cited prior art and the Examiner's rejections of the claims in view of that art, a brief summary of the present invention is appropriate. The present invention relates to a method and device for controlling delays in a cellular telecommunications network. The inventive method and system are based on a hierarchical structure of delay controlling entities which communicate only with entities above or below them in the hierarchy (see page 4, lines 12-14 of the specification). In the downlink direction, an entity receiving data, such as a base station or a splitting unit, sends a timing command to the entity sending the data, if the data is received too early or too late, whereafter the sending entity may adjust the sending time of the data (page 4, lines 14-20). The same reporting and adjusting process may be repeated through all levels of the control hierarchy. Similarly, in the uplink direction a higher level receiving entity receiving data from a lower level entity may command the lower entity to adjust the sending time if the data is received too early or too late.

Independent claims 1 and 5 have been amended to clarify that the at least one first node and at least one second node are part of a hierarchical structure of nodes. Furthermore, independent claims 1, 5, and 9 are amended to clarify that the timing adjustment command requests an adjustment of the sending time of data packets. Each of the independent claims 1, 5, and 9

recites sending, by the at least one first node, a timing adjustment command to at least one second node, if at least one uplink data packet sent by said at least one second node arrives at said at least one first node at a point in time, which point in time is outside a predefined period.

Thornberg discloses a method and system for controlling packet-switched radio channel congestion in a telecommunications system. In Thornberg, a system operator sets a maximum average time delay for packet calls (col. 2, lines 33-36). When the estimated average time delay for packet calls exceeds the maximum average time delay, lower priority packet calls are expelled (col. 2, lines 39-43). Accordingly, Thornberg sends a command for expelling lower priority packet calls when the estimated average time delay for packet calls exceeds the maximum average time delay. Thus, Thornberg defines a priority-based congestion detection and control on a shared channel. When congestion is detected, packets are admitted based on their priority. The priority-based congestion control disclosed by Thornberg fails to disclose sending a timing adjustment request from one node of the network to another which requests an adjustment of the sending time of data packets, as recited in the independent claims 1, 5, and 9. In view of the above amendments and remarks, it is respectfully submitted that independent claims 1, 5, and 9 are not anticipated by Thornberg under 35 U.S.C. §102.

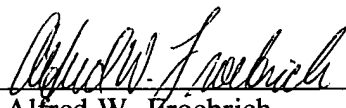
The present invention is directed to adjusting the time that a packet is sent from one node to another. Thornberg is directed to controlling congestion in a shared channel of a network in which lower priority packets are expelled to control the congestion. The priority-based congestion control disclosed by Thornberg also fails to teach or suggest sending a timing adjustment request from one node of the network to another, as recited in the independent claims 1, 5, and 9. Accordingly, it is respectfully submitted that independent claims 1, 5, and 9 are also allowable over Thornberg under 35 U.S.C. §103.

Dependent claims 2-4, 6-8, and 10, each being dependent on one of independent claims 1, 5, and 9, are deemed allowable for the same reasons expressed above with respect to independent claims 1, 5, and 9.

The application is now deemed to be in condition for allowance and notice to that effect is solicited.

Respectfully submitted,

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